

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

CHARLENE CHAPMAN

Claimant

VS.

BOEING MILITARY AIRPLANES

Respondent

AND

AETNA CASUALTY & SURETY COMPANY

Insurance Carrier

AND

KANSAS WORKERS COMPENSATION FUND

Docket Nos. 157,980
& 186,215

ORDER

On April 10, 1996, the Application of the respondent for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge Shannon S. Krysl on December 19, 1995, came on for oral argument in Wichita, Kansas.

APPEARANCES

Claimant appeared by and through her attorney, Lawrence M. Gurney of Wichita, Kansas. Respondent and its insurance carrier appeared by and through their attorney, Eric K. Kuhn of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Kurt W. Ratzlaff appearing for Michael D. Streit of Wichita, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

The stipulation between the respondent and the Kansas Workers Compensation Fund was clarified at the oral argument. For the injury to claimant's right ankle and right knee the respondent will pay 78 percent of all liability with the Workers Compensation Fund paying 22 percent of all liability. For the injury to claimant's back and for any and all work disability associated with these injuries, the respondent and the Kansas Workers Compensation Fund will share the liability 50 percent to each.

ISSUES

Docket No. 157,980

Whether claimant is entitled to review and modification of the Award entered in this docket number on August 31, 1992 with an accidental injury date of May 8, 1991.

Docket No. 186,215

- (1) The compensability of claimant's alleged injury occurring October 1992 through April 13, 1993. (Whether claimant's alleged injury arose out of and in the course of her employment.)
- (2) The nature and extent of claimant's injury and/or disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law.

The Appeals Board finds that the Award of the Administrative Law Judge properly sets out the findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are both accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein as to the issues raised.

The Administrative Law Judge, in awarding claimant a 43 percent work disability effective April 13, 1993 as a result of the injuries to her back, appropriately analyzed the factual and medical evidence contained in this file. In adopting the opinion of Karen Terrill over that of Jerry Hardin the Administrative Law Judge properly analyzed and utilized claimant's preexisting impairments and restrictions in arriving at the appropriate work

disability. In finding claimant had not sustained a new injury in Docket No. 186,215 for the period October 1992 through April 1993, the Administrative Law Judge properly described claimant's problem as being a natural and probable consequence of the original injury suffered on May 8, 1991.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Shannon S. Krysl dated December 19, 1995, should be, and is hereby, fully affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Lawrence M. Gurney, Wichita, KS
 Eric K. Kuhn, Wichita, KS
 Michael D. Streit, Wichita, KS
 Shannon S. Krysl, Administrative Law Judge
 Philip S. Harness, Director